

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TABBITHA LYNN HOSSNER,

Plaintiff,

vs.

USCIS OMAHA FIELD OFFICE,
Immigration;

Defendant.

8:22CV336

ORDER TO SHOW CAUSE

[Federal Rule of Civil Procedure 4\(m\)](#) provides, “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” [Fed. R. Civ. P. 4\(m\)](#).

Plaintiff filed the Complaint on September 20, 2022, and the clerk of court issued Plaintiff three blank summons forms for service of process upon the defendant. ([Filing No. 1](#)). More than 90 days has elapsed since the Complaint was filed. To date, Plaintiff has not filed any return of service indicating service on the defendant, a waiver of service has not been filed, the defendant has not entered a voluntary appearance, and Plaintiff has not requested an extension of time to complete service. Although Plaintiff is pro se, it is her responsibility to serve the defendants. See [Gustaff v. MT Ultimate Healthcare](#), No. 06CV 5496 (SLT)(LB), 2007 WL 2028103, at *3 (E.D.N.Y. June 21, 2007); [Gonzalez v. L’Oreal USA, Inc.](#), 489 F. Supp. 2d 181, 184 (N.D.N.Y. 2007). Therefore, the Court will order Plaintiff to show cause why this case should not be dismissed for lack of service and want of prosecution. Accordingly,

IT IS ORDERED that Plaintiff shall have until **January 6, 2023**, to show cause as to why this action should not be dismissed pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) or for want of prosecution. The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 20th day of December, 2022.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge